

REPORT OF THE CONSTITUTION REVIEW WORKING GROUP

RECOMMENDED CONSTITUTIONAL CHANGES

The Constitution Review Working Group is an informal body established by agreement between the Group Leaders to receive proposals for alterations updates to the text of the Authority's Constitution for formal submission to Council.

A further meeting of the Review Working Group was held on 2 July 2007. The decisions arising from that meeting are now attached as the Constitution Review Working Group's recommendation to Council.

The Working Group formally RECOMMENDS:

“That the proposed changes to the Authority's Constitution as endorsed by the Constitution Review Working Group, and detailed in the attached documents be approved by Council.”

FOR DECISION

Part 4f – Overview and Scrutiny Procedure Rules - Amendment to the Constitution under Article 15

1. Rule 15.03 of Article 15 states that changes will only be effective if approved by full Council.
2. It is proposed that the procedure for the Call-In Sub-Committee be amended. The reasons for review were the number of call in requests that were experienced last year and a possible threat of a legal challenge with associated financial costs.
3. The proposed amendments to Part 4f are as follows;

5. The Call-In Sub-Committee

"5.5 The Rules for call-in are detailed in Rule 22 below and Appendix 1."

22. Call-In

"22.2 Six Members of the Council comprising Members from at least two political groups can call in a decision of the Executive, which has been taken but not implemented. Additionally, in relation to Executive decisions on education matters only, six Members of the Council comprising Members from at least two political groups and the voting co-opted members on Overview and Scrutiny Committee can call in a decision, which has been taken but not implemented. Only decisions relating to Executive functions, whether delegated or not, may be called in."

"22.6 Subject to 22.6.1 and 22.6.2 below, once a notice invoking the call-in procedure has been received the decision may not be implemented until the designated members (as defined in Appendix 1) have considered the guidance outlined in Appendix 1 and if required, the Call-In Sub-Committee has considered the decision."

Recommendation

That Rule 22.3 as amended by Council on 22 February 2007 be revoked (with the exception of 22.3(b)) and Rules 5.5, 22.2 and 22.6 of Part 4f be amended as set out above and Appendix 1 be added to Part 4f.

FOR DECISION

Overview and Scrutiny Sub-Committee Call-In Procedure

The Spirit of Co-operation

This Guidance is written for all members to consider when calling in a decision made by Cabinet. The Guidance will be relied upon by the two designated members of the Overview and Scrutiny Committee (see below) when considering a request for a call-in to the Call-In Sub-Committee. The Guidance has been prepared to prevent abuse of the call-in process, and to promote the efficient use of the Council's resources.

The Overview and Scrutiny Committee shall delegate authority to the Chair and Vice-Chair of the Committee, to consider requests for Call In Sub-Committee, received in accordance with the Council's constitution. These members will be the designated members for the purpose of this Guidance¹. In the event that the designated members fail to reach agreement on whether a request should be called in, the request for a call-in shall automatically pass to the Call-In Sub-Committee for consideration.

Reasons for refusal

These members must ensure that the requirement to give reasons under Rule 22.5 of the Overview and Scrutiny Procedure Rules ("the Rules") as contained in the Council's Constitution is met. In the event that the requirements of Rule 22.5 are met, the following guidance shall be used when considering a request for call-in to the Call-In Sub-Committee:

1. Time limit - A decision should be called-in during the period of 5 clear working days from the date of publication of the executive decision.
2. Financial implications - Only decisions involving expenditure or risk of a value over £50,000 may be called-in, where expenditure is the primary purpose of the decision. This factor in particular should be considered in light of the other factors in this guidance.
3. Political implications - Does the decision have an impact on 1 or more of the wards in Harrow? Or will the decision have an effect on the wider interests of the inhabitants of the area?
4. Duplication - The Call-in Sub Committee should not be used when another forum or route is available to deal with concerns about a Cabinet decision, such as Challenge Panels, Standards Committee or Regulatory Panels e.g. Traffic, Development Control etc.
5. Process - Have the requisite 6 members requested the call-in? The 6 members who make the call-in should include members from at least 2 political groups.
6. Vexatious Requests – Can the request be reasonably construed as vexatious having regard to tone, content, language, persistence etc.

The list above is not exhaustive and occasionally additional and different reasons may be relied upon to reject a request for a call in. If this is the case, a review of this Guidance will be carried out to ensure that it remains up to date and of assistance to members.

The designated members should consider each of the above factors fully when considering a request for call-in, and in the event of refusal, reasons shall be provided which refer to the above categories.

¹ When the Chair and Vice-Chair of the Overview and Scrutiny Committee belong to the same political group, the designated members for the purposes of this Guidance only shall be the Chair or Vice-Chair of the Committee and the lead or nominated member on the Committee from the next largest political group